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*Attorneys for Gateway Center, LLC*

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF UTAH

In re:	)	Bankruptcy Case No. 09-29905
	)	Jointly Administered with Cases 09-29907
	)	and 09-29908
EASY STREET HOLDING, LLC; EASY	)	Chapter 11
STREET PARTNERS, LLC; and EASY	)	
STREET MEZZANINE, LLC,	)	Honorable R. Kimball Mosier
Debtors and debtors-in-possession.	)	<b>REQUEST FOR ALLOWANCE AND</b>
	)	<b>PAYMENT OF ADMINISTRATIVE</b>
	)	<b>EXPENSE</b>
	)	
	)	

Gateway Center, LLC ("**Gateway**"), through its attorneys Fabian & Clendenin, hereby requests allowance and payment of an administrative expense pursuant to Section 11 U.S.C. § 503. In support of this request, Gateway states as follows:

1. Easy Street Partners, LLC ("**Partners**") filed a petition for relief under Chapter 11 of the United States Bankruptcy Code on September 14, 2009 (the "**Petition Date**") commencing Bankruptcy No. 09-29907.

2. Partners' bankruptcy case is being jointly administered with the Chapter 11 cases of Easy Street Holding, LLC, Bankr. No. 09-29905, and Easy Street Mezzanine, LLC, Bankr. No. 09-29908.

3. Gateway is the owner of the real property located at 136 Heber Avenue, Park City, Utah 84060. That real property includes certain office space identified as space 303 (the "**Premises**").

4. Gateway as lessor leased the Premises to Cloud Nine Resorts, LLC ("**Cloud Nine**") as lessee under an August 3, 2007, lease and lease amendment (collectively, the "**Lease**").

5. Partners assumed Cloud Nine's interest in and obligations as lessee under the Lease through an Assignment and Assumption Agreement (the "**Assignment**") dated January 9, 2009.

6. Partners was occupying the Premises on the Petition Date and using it in connection with the operation of Partners' business.

7. As debtor-in-possession and the lessee of an unexpired lease of real property, Partners was obligated under 11 U.S.C. § 365(d)(3) to timely perform all the obligations of Partners as assignee of the Lease from the Petition Date until such time as the Lease was assumed or rejected.

8. The Lease was deemed rejected under 11 U.S.C. § 365(d)(4)(A)(i) when Partners took no action to assume or reject it by January 12, 2010, the 120<sup>th</sup> day from the Petition Date.

9. Partners has not paid Gateway for the occupancy of the Premises for the period from September 14, 2009 through January 12, 2010.

10. Partners continued to occupy the Premises and use it in connection with its business after the Petition Date.

11. The cost of renting the Premises was an actual and necessary cost and expense of preserving Partners' bankruptcy estate.

12. The post-petition charges under the Lease prior to its rejection are entitled to administrative priority by reason of Section 365(d)(3) regardless of whether there was a benefit to the estate. *In re CCI Wireless, LLC*, 297 B.R. 133, 142 (D. Colo. 2003). *See also In re Cukierman*, 265 F.3d 846, 849-50 (9<sup>th</sup> Cir. 2001); *In re Furr's Supermarket*, 283 B.R. 60, 65 (10<sup>th</sup> Cir. BAP 2002).

13. The amount of unpaid post-petition and related charges rent due Gateway from Partners' occupancy of the Premises is \$17,855.54. A schedule reflecting post-petition rent and other charges under the Lease and any post-petition payments received by Gateway is attached hereto as Exhibit "A."

14. Gateway is entitled to an order allowing it an administrative claim in the total amount of \$17,855.54, plus interest of \$8.74 per diem from June 1, 2010.

WHEREFORE, Gateway Center, LLC requests that the Court enter an order:

A. Allowing Gateway Center, LLC a Chapter 11 administrative claim pursuant to Section 503 of the Bankruptcy Code in the amount of \$17,855.54, plus interest of \$8.74 per diem from June 1, 2010; and

B. Authorizing and directing Partners as debtor-in-possession to pay Gateway Center, LLC \$17,855.54, plus interest of \$8.74 per diem from June 1, 2010; and

C. For such other and further relief as is just and equitable.

DATED this 11<sup>th</sup> day of June, 2010.

/s/ Douglas J. Payne

Douglas J. Payne

Robert G. Crockett

**FABIAN & CLENDENIN**

A Professional Corporation

*Attorneys for Gateway Center, LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that on June 11, 2010, a true and correct copy of the foregoing  
**REQUEST FOR ALLOWANCE AND PAYMENT OF ADMINISTRATIVE EXPENSE**  
was served via ECF notification on the following:

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/s/ Douglas J. Payne

**EXHIBIT “A”**

Date	Activity	Post-petition Charges	Post-petition Payments Received	Post-petition Balance
Sept '09	CAM (Sept. pro-rated) (\$2,555.92 x 16days ÷ 30days)	\$1,363.16		\$1,363.16
Sept '09	Admin. fee (prorated \$107.70 x 16days ÷ 30days)	\$57.44		\$1,420.60
Sept '09	Rent (prorated \$7,221.76 x 16days ÷ 30days)	\$3,851.61		\$5,272.21
Sept '09	September utilities – gas recovery (prorated \$28.56 x 16days ÷ 30days)	\$15.32		\$5,287.53
10/1/09	CAM (October)	\$2,555.92		\$7,843.45
10/1/09	Admin. fee	\$107.70		\$7,951.15
10/1/09	Rent	\$7,221.76		\$16,124.06
10/8/09	Check #20013		\$5,247.45	\$10,876.61
10/10/09	Late charge, 5% of \$4,637.93	\$231.90		\$10,946.18
10/30/09	Utilities – gas recovery (Oct. '09)	\$55.58		\$11,001.76
11/1/09	CAM (November)	\$2,555.92		\$13,557.68
11/1/09	Admin. fee	\$107.70		\$13,665.38
11/1/09	Rent	\$7,221.76		\$20,887.14
11/5/09	Late charge, 5% of \$9,885.38	\$494.27		\$21,381.41
11/10/09	Penalty interest, 1.5%/month of 10/10/09 balance	\$164.19		\$21,545.60
11/30/09	Utilities – gas recovery (Nov. '09)	\$91.58		\$21,637.18
12/1/09	CAM (December)	\$2,555.92		\$24,193.10
12/1/09	Admin. fee	\$107.70		\$24,300.80
12/1/09	Rent	\$7,221.76		\$31,522.56
12/3/09	Check #20242		\$9,885.38	\$21,637.18
12/10/09	Penalty interest, 1.5%/month of 11/10/09 balance	\$323.18		\$21,960.36
12/30/09	Utilities – gas recovery (Dec. '09)	\$190.91		\$22,151.27
1/1/10	CAM – (January prorated) (\$2,105.00 x 12/31)	\$814.84		\$22,966.11
1/1/10	Admin. fee (prorated \$105.00 x 12/31)	\$40.65		\$23,006.76
1/1/10	Rent (prorated \$7,510.63 x 12/31)	\$2,907.34		\$25,914.10
1/5/10	Late Charge, 5% of \$9,720.63 (prorated \$486.03 x 12days ÷ 31days)	\$188.14		\$26,102.24
1/10/10	Penalty interest, 1.5%/month of 12/10/09 balance	\$329.41		\$26,431.65
1/22/10	Check #20639		\$9,885.38	\$16,546.27
1/22/10	Penalty interest, 1.5%/month of 1/10/10 balance of \$26,431.65 prorated from Jan. 10 <sup>th</sup> thru Jan 22 <sup>nd</sup> (397.68 x 12days ÷ 31days)	\$153.47		\$16,699.74
1/22/10	Utilities – gas recovery (Jan. pro-rated) (\$206.79 x 12days ÷ 31days)	\$80.05		\$16,779.79
6/1/10	Penalty interest, at 18%/annum (1.5%/mo) from 1/22/10 to Jan. 23 <sup>rd</sup> thru Jun. 1 <sup>st</sup> (130days), *plus additional interest per diem interest of \$8.74 on the unpaid balance for each day after June 1, 2010.	*1,075.75		*\$17,855.54